

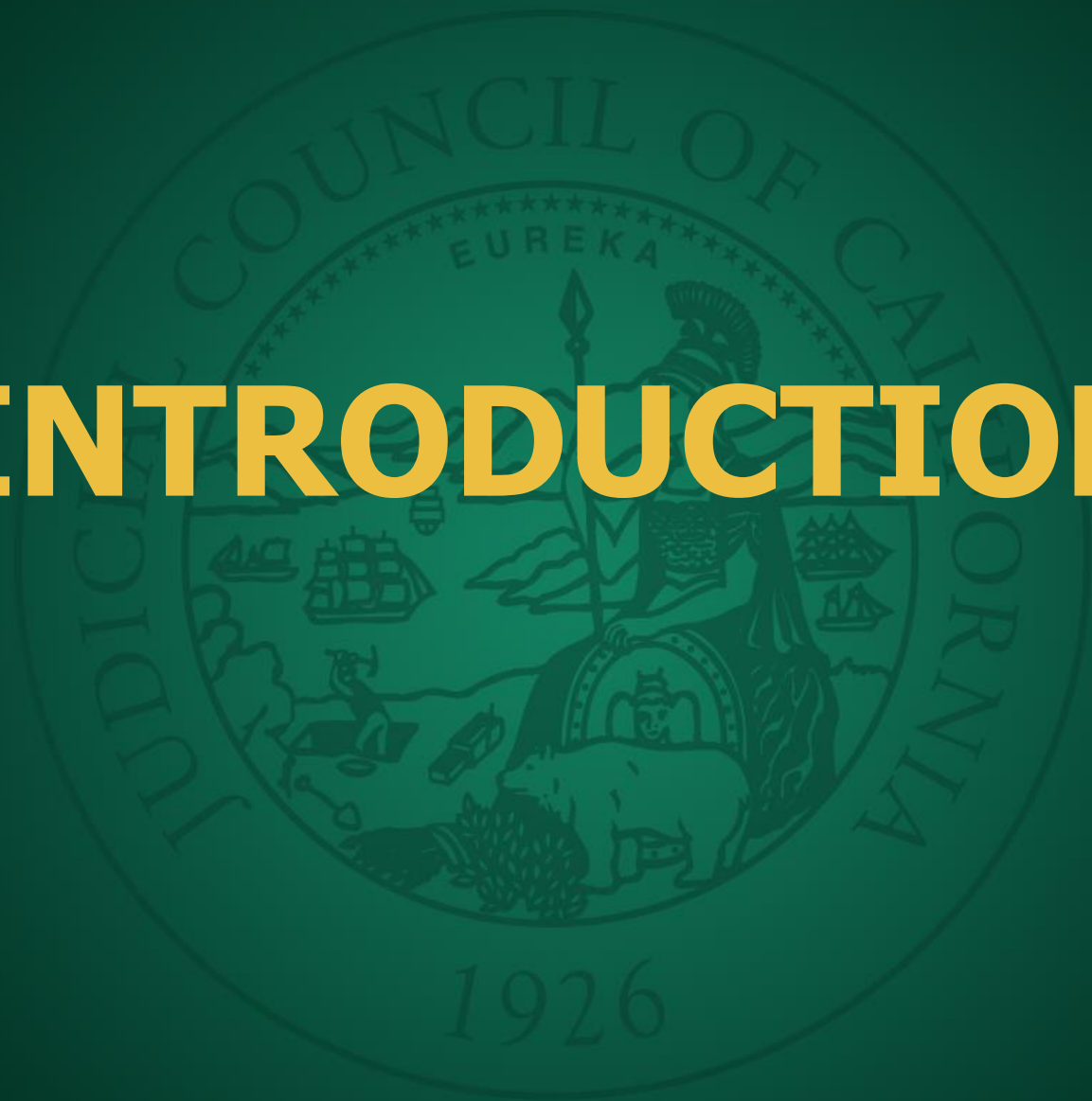
# Revenue Distribution Training

## May 2015



Presented by the  
State Controller's Office  
and the  
Judicial Council of California

# INTRODUCTION



# Presented By

## State Controllers Office

- Lakia Beavers
- Anita Dagan
- Michael Gungon

If you have any questions  
please contact

[LocalGovPolicy@sco.ca.gov](mailto:LocalGovPolicy@sco.ca.gov)

## Judicial Council

- Robert Cabral
- Daniel Delgadillo
- Bob Fleshman
- John Judnick
- Maria Lira
- Theida Salazar
- Courtney Tucker



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# Housekeeping Information

- Breaks: As needed.
- Lunch: 60 minutes, lunch provided.
- Restrooms: out the door to the left.
- Questions:
  - Ask at any time - use the microphone.
  - Use index cards to submit written questions; include your name in case we need more information.
- Evaluations: Follow up with online survey tool.



# Training Agenda

## Opening and Introduction

- Faculty and contacts
- Housekeeping
- Training expectations and goals
- Court-Ordered Debt Task Force

## Revenue Distribution Resources and Updates

- Judicial Council - Uniform Bail and Penalty Schedule
- State Controller's Office - Appendix C
- FAQ's
- Crosswalk (Appendix C to other resources)
- Common Audit Findings

## Panel Discussion

- JCC, Court, County subject matter experts



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# Training Agenda

Discussion on Emerging Case Management System  
Implementation Issues Related to Revenue Distribution

Lunch

Breakout Sessions

- Session A: Basic Distribution Templates
- Session: Intermediate/Advanced Distribution Templates
- Run concurrently, multiple faculty to assist.

Wrap up and Adjourn



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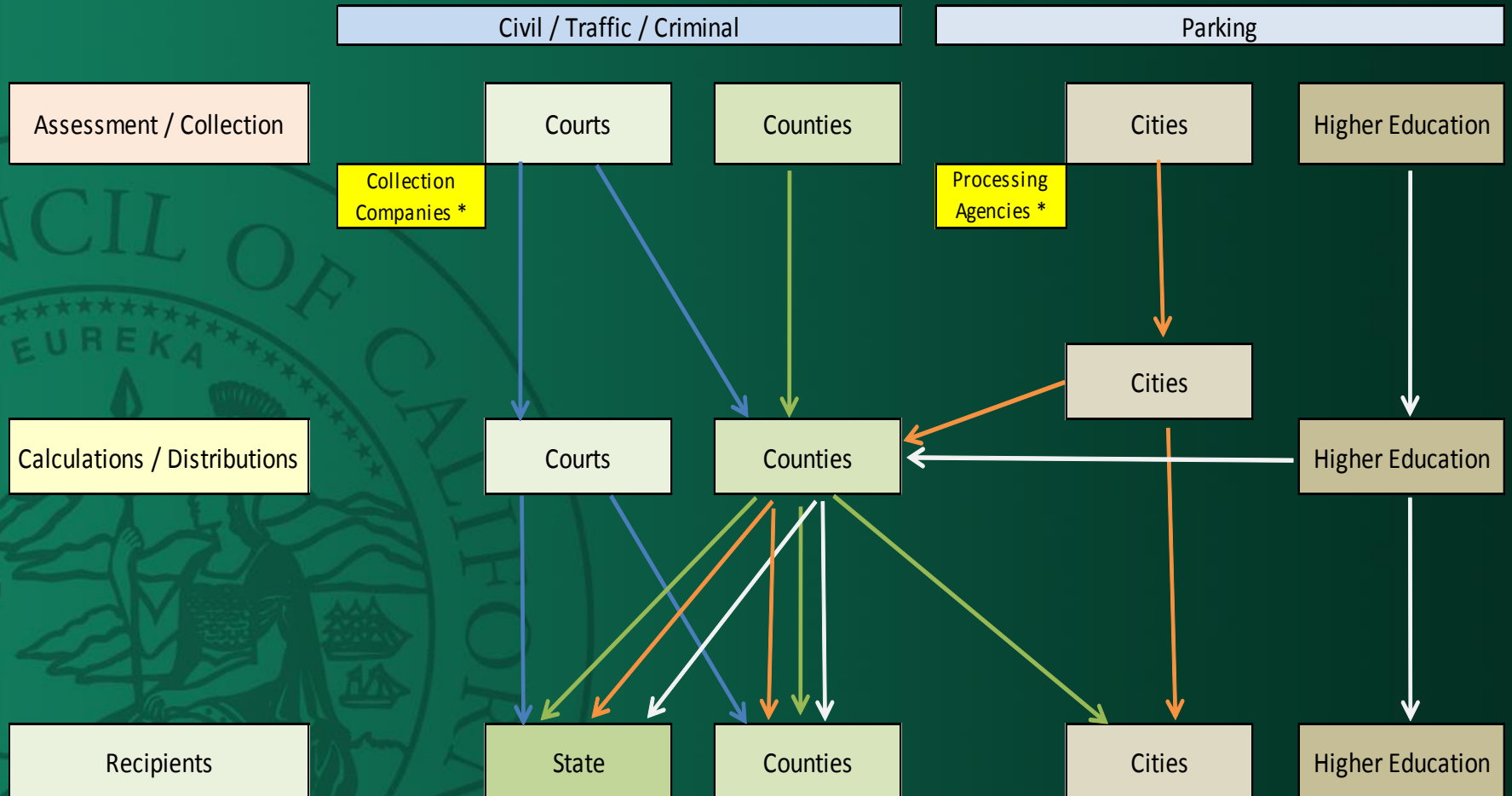


# Instruction Goals

- Provide updates to various distribution-related resources
- Identify sources of resource materials for distribution calculations, analysis, and research
- Review and discussion of frequently asked distribution questions
- Distribution Worksheets:
  - Learn how to create worksheets for distributions
  - Review basic and complex distributions utilizing worksheets



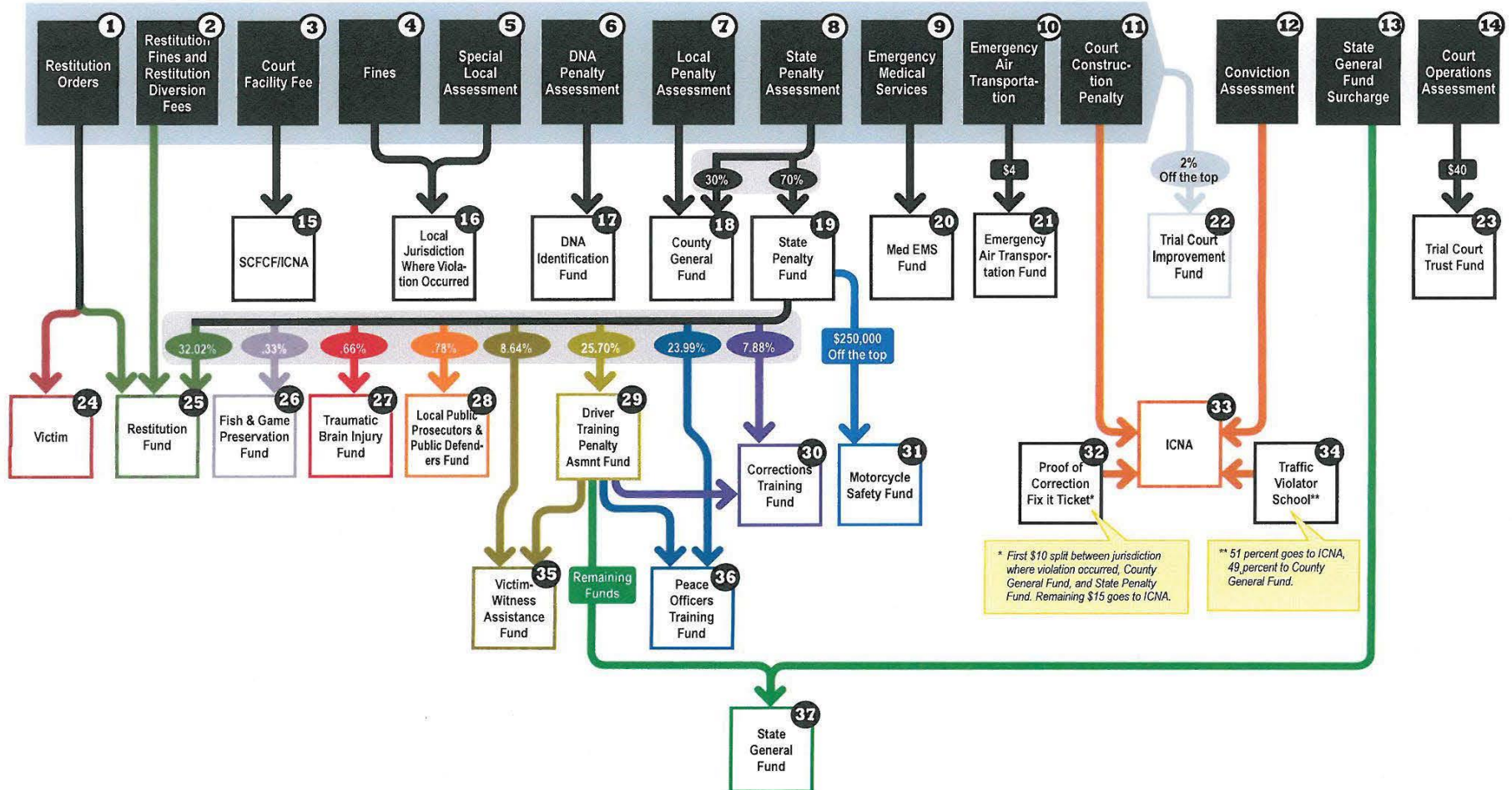
## ASSESSMENT, COLLECTION, AND DISTRIBUTION COMPLEXITY OF THE PROCESS



\* Entities under contract to perform collections.



## Revenue Generated by the Criminal Justice System



Source: California Department of Finance

# Court-Ordered Debt Task Force



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# Court-Ordered Debt Task Force (CODTF)

- Established by Penal Code 1463.02(b)
- Representatives from
  - State entities, agencies, and departments
  - Counties, cities, and other external organizations



# CODTF PRIMARY GOALS (PC 1463.02(b))

Evaluate and make recommendations to the Judicial Council and the Legislature for consolidating and simplifying the imposition of criminal and traffic-related court-ordered debts **and the distribution of the revenue** derived from those debts with the goal of improving the process for those entities that benefit from the revenues, and recommendations, if any, for adjustment to the court-ordered debts.

- Identify all criminal and traffic-related court-ordered fees, fines, forfeitures, penalties and assessments imposed under law.
- Identify the distribution of revenue derived from those debts and the expenditures made by those entities that benefit from the revenues.
- Consult with state and local entities that would be affected by a simplification and consolidation of criminal and traffic-related court-ordered debts.





# CODTF ACTIVITIES

## Activities of CODTF subgroups:

- Survey to determine revenue streams to state, counties, cities, etc., and associated financial information (Completed)
- Evaluation of SCO Appendix C (Completed)
- Sponsor training on revenue distribution (Ongoing)
- Criminal and Traffic-Related Court-Ordered Debt Simplification Pilot Program (In Process)



# Revenue Distribution Resource Interrelationships

- Statutes
- SCO Trial Court Revenue Distribution Guidelines: Appendix C
- Judicial Council's Uniform Bail and Penalty Schedule
- FAQs
- Crosswalk
- Revenue Distribution Audit Worksheets



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# Distribution Resource Sites

**California Statutes:** <https://leginfo.legislature.ca.gov/faces/codes.xhtml>

## **Distribution Resources/Guides:**

JC Revenue Distribution Website [www.courts.ca.gov/revenue-distribution.htm](http://www.courts.ca.gov/revenue-distribution.htm)

JC Uniform Bail and Penalty Schedules <http://www.courts.ca.gov/documents/2015-JC-BAIL.pdf>

Frequently Asked Questions [www.courts.ca.gov/revenue-distribution.htm](http://www.courts.ca.gov/revenue-distribution.htm)

SCO Appendix C Guidelines [www.sco.ca.gov/ard\\_trialcourt\\_manual\\_guidelines.html](http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html)

Distribution Training Materials [www.sco.ca.gov/ard\\_trialcourt\\_manual\\_guidelines.html](http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html)

**Local Court Websites:** [www.courts.ca.gov/find-my-court.htm](http://www.courts.ca.gov/find-my-court.htm)

**County Websites:** [www.csac.counties.org/county-websites-profile-information](http://www.csac.counties.org/county-websites-profile-information)

## **Audit Reports:**

State Controller's [www.sco.ca.gov/aud\\_court\\_revenues.html](http://www.sco.ca.gov/aud_court_revenues.html)

Judicial Council [www.courts.ca.gov/12050.htm](http://www.courts.ca.gov/12050.htm)



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# **JUDICIAL COUNCIL**

## **UNIFORM BAIL AND PENALTY SCHEDULES**



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# Judicial Council

## Uniform Bail and Penalty Schedules (Rule 4.102)

- PC 1269b(c): requires that courts prepare, adopt, and annually revise a uniform countywide schedule of bail for **all bailable felony offenses** and for **all misdemeanor and infraction offenses except Vehicle Code infractions**.  
The penalty schedule for **infraction violations of the Vehicle Code** shall be established by the Judicial Council in accordance with Section 40310 of the Vehicle Code.
- VC 40310: requires Judicial Council to annually adopt a uniform traffic penalty schedule for all non-parking Vehicle Code infractions.



# Countywide Bail Schedules

- The judges in each county adopt a countywide bail schedule that sets bail based on the requirements that apply to that jurisdiction, including adjustment of the county penalty and EMS penalty for the traffic infraction schedule.
- In 30 counties, a traffic infraction bail schedule may exceed the bail amounts that are set in the council's schedule if the board of supervisors adopts a resolution to increased the bail under Penal Code section 1463.28.



# JC Uniform Bail and Penalty Schedules

[www.courts.ca.gov/documents/2015-JC-BAIL.pdf](http://www.courts.ca.gov/documents/2015-JC-BAIL.pdf)

The Uniform Bail and Penalty schedules are revised to conform to recent legislation. The Judicial Council adopted the 2015 Uniform Bail and Penalty Schedule at the December 2014 council meeting.

## Purpose of schedules:

1. To provide the standard bail amount, which for Vehicle Code offenses is the amount that may be used for a bail forfeiture instead of further proceedings.
2. Serve as a guideline for the imposition of a fine as all or a portion of the penalty for a first conviction of a listed offense where a fine is used as all or a portion of the penalty for such offense.



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# Uniform Bail and Penalty Schedules

MARCH 2014/2015 EDITION

(Cal. Rules of Court, rule 4.102)

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TRAFFIC  
BOATING  
FORESTRY  
FISH AND GAME  
PUBLIC UTILITIES  
PARKS AND RECREATION  
BUSINESS LICENSING



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12002.1(b) or 12002.2(b) or to any regulation relating to the wearing or display of a fishing license.

- F. "Total Bail" shall not exceed statutory limits. Vehicle Code section 40310 specifies that the "fine" amount of the total bail shall not exceed the limitations specified by Vehicle Code sections 42001 and 42001.5.
- G. In cases where a court appearance is required by a court, the amounts set forth in the Uniform Bail and Penalty Schedules do not necessarily indicate the appropriate total penalties; rather, they ensure that, in most cases, when bail is posted, sufficient funds will be available to meet the defendant's obligations. Upon conviction, however, "additional penalties" are added to any fine. It is incumbent upon the judge who hears each case to determine the proper total penalty (fine and "additional penalties") based on the particular facts presented.

With the exception of juveniles under age 18, there shall be no mandatory court appearance for any infraction of the California Vehicle Code punishable by fine only. A court may require a mandatory appearance for an infraction violation of the Vehicle Code when a statutory driver's license restriction, suspension, or revocation is authorized; community service or proof of payment or correction is mandatory; or a violation requires specific action under the Vehicle Code in addition to a fine. This paragraph does not apply to violations of local ordinances based on Vehicle Code sections.

- H. The "Total Bail" for an offense *not specifically listed* in the Uniform Traffic Infraction Bail and Penalty Schedule is the amount set for the general category of that offense unless a California code or regulation specifies otherwise. The court operations assessment and criminal conviction assessment are collected in addition to the "Total Bail." The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Traffic Misdemeanor Bail and Penalty Schedule ~~and the Uniform Boating, Parks and Recreation, or Business Licensing Bail and Penalty Schedules~~, unless a California code or regulation specifies otherwise, is

	Base	+ Additional Penalties*&	Surcharge	+	Fees	= Total Bail*/Fees (*See sections II-IV)
Misdemeanor	\$ 75	+	\$251	+	\$70	= \$396
Infraction	\$ 35	+	\$127	+	\$75	= \$237

The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Public Utilities Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is

Misdemeanor	\$185	+	<u>\$588</u>	+	\$70	= <u>\$839</u>
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The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform ~~Boating, Business Licensing, Fish and Game, or Forestry, or Parks and Recreation~~ Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is

Misdemeanor	\$100	+	<u>\$310</u>	+	\$70	= <u>\$480</u>
Infraction	\$ 35	+	<u>\$123</u>	+	\$75	= <u>\$233</u>



# TRAFFIC INFRACTION FIXED PENALTY SCHEDULE

(\*See Preface, Section III) (\*\*See Preface, Section IV)

(Vehicle Code)

(Vehicle Code)																	
Section	Notes	Offense	Base Fine /Fee	State PA*	County PA*/10	DNA PA*	Court PA* /10	Surcharge* %	EMS PA* /10	Fine PA* EMAT PA*	Surcharge & PA Subtotal	Court OPS	Conv Assess	Night Court	TAP Fee	"Total Bail" ** / Fee	Category DMV Points
			10/10	7.00	5/10	5.00	20%	2.00	4			40	35	1	0.00		
27363 (f)	A	Transportation of Child in Rear-Facing Child Passenger Restraint System in Front Seat of Vehicle With Active Frontal Airbag	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 1
27363 (f)	B	Transportation of Child in Rear-Facing Child Passenger Restraint System in Front Seat of Vehicle With Active Frontal Airbag	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
27363.5 (a,b)		Failure of Hospital, Clinic, or Birthing Center to Provide Information About Child Passenger Restraint Requirements and Contact Information	35	40	28.00	20	20	7	8	4	162.00	40	35	1	0.00	238.00	2a 0
27365 (a)(1)	70	Rental Agencies Required to Inform Customers About Child Restraint Requirements, Provide for Rental of Child Passenger Restraint System	100	100	70.00	50	50	20	20	4	414.00	40	35	1	0.00	490.00	4a 0
27368	A	Failure to Abide by Safety Standards and Regulations for Child Passengers in Fully Enclosed Three-Wheeled Vehicles	25	30	21.00	15	15	5	6	4	121.00	40	35	1	0.00	197.00	1a 1
27368	B	Failure to Abide by Safety Standards and Regulations for Child Passengers in Fully Enclosed Three-Wheeled Vehicles	25	0	0.00	0	0	0	0	0	0.00	0	0	0	0.00	25.00	4a 0
<a href="#">27375 (a)</a>	<a href="#">71</a>	<a href="#">Violation of Door or Window Requirement for Modified Limousine</a>	<a href="#">70</a>	<a href="#">70</a>	<a href="#">49.00</a>	<a href="#">35</a>	<a href="#">35</a>	<a href="#">14</a>	<a href="#">14</a>	<a href="#">4</a>	<a href="#">291.00</a>	<a href="#">40</a>	<a href="#">35</a>	<a href="#">1</a>	<a href="#">0.00</a>	<a href="#">367.00</a>	<a href="#">3a 0</a>
<a href="#">27375 (a)</a>	<a href="#">71</a>	<a href="#">Violation of Door or Window Requirement for Modified Limousine</a>	<a href="#">25</a>	<a href="#">0</a>	<a href="#">0.00</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0.00</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0</a>	<a href="#">0.00</a>	<a href="#">25.00</a>	<a href="#">4a 0</a>
27375 (b)	**	Failure of Limousine Driver to Unlock Rear Doors for Passengers to Open for Fire or Emergency	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
27375 (c)(1)	72	Failure of Limousine <del>Driver</del> <a href="#">Owner or Operator</a> to Instruct Passengers on Vehicle Features and Communication With the Driver	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0
27375 (c)(2)	72	Failure of Limousine <del>Driver</del> <a href="#">Owner or Operator</a> to Disclose Whether the Limousine Meets Current Safety Requirements	70	70	49.00	35	35	14	14	4	291.00	40	35	1	0.00	367.00	3a 0



**Revisions to conform the 2015 schedules to recent changes in the law include the following:**

- Revision of section I.C on page iii of the preface to add subdivision (b) to Penal Code section 19.8.
- Revision of section IV.C.3 on page vi of the preface to delete the discussion of Streets and Highways Code section 97.5, which sunset in 2014.
- Revision of section IV.H on page vii of the preface to clarify that the emergency medical air transportation (EMAT) penalty assessment applies only to violations of the Vehicle Code and ordinances adopted under the Vehicle Code.
- Revision of section VIII.D on page x of the preface to correct the sample calculation of bail for multiple violations without traffic violator school.



## **Addition or modification of infraction offenses for violation of Vehicle Code sections:**

- 14606(c), failure of employer to retain medical certificate of driver of commercial vehicle when no medical certification status is included in the commercial license information system, which was repealed and amended effective January 30, 2014;
- 23302(a)(2), unauthorized placement of toll transponder;
- 23302(a)(3), unauthorized placement of toll transponder for motorcycle;
- 27375(a), violation of window or door requirement for modified limousine;
- 27375(c)(1), failure of limousine owner or operator to instruct passengers on vehicle features and communication with the driver;
- 27375(c)(2), failure of limousine owner or operator to disclose whether the limousine meets current safety requirements;
- 27375(c)(3), failure of limousine owner or operator to disclose whether the limousine is exempt from safety requirements for emergency escape;
- 28062(a), modified limousine not equipped with fire extinguishers as required;
- 38601, operating or riding in recreational off-highway vehicle on public land by person while not wearing safety helmet as required.





## **Modification of misdemeanor offense for violation of Vehicle Code section:**

- 10501(a), false report of vehicle theft with intent to deceive, which has an endnote Pen. Code § 1170(h);
- 10851(a), driving or taking vehicle without consent of owner with intent to deprive owner of title or possession of vehicle, which has an endnote on Pen. Code § 1170(h);
- 21464(d), willful interference with traffic device or willful use, possession, or distribution, of traffic interference device that results in injury or death, which has an endnote on Pen. Code § 1170(h);
- 21651(c), willfully driving wrong way on divided highway and causing injury or death, which has a endnote on Pen. Code § 1170(h);
- 23104(b), reckless driving—great bodily injury, which has an endnote on Pen. Code § 1170(h);
- 23105(a), reckless driving—specific injury, which has an endnote on Pen. Code § 1170(h);
- 23109.1, engaging in speed contest—specific injury, which has an endnote on Pen. Code § 1170(h);
- 2468(a), failure of licensed renderer to keep written records of inedible kitchen grease; and
- 2468(b), refusal of licensed renderer or registered transporter to exhibit required record or destruction of required record.



### **Modification of Harbors and Navigation Code sections:**

- 307(a), mooring to or hanging on with a vessel to buoy or beacon;
- 307(b), removing, damaging, or destroying buoy or beacon;
- 652.5(c), blue light—unauthorized use;
- 652.5(d), failure to yield to blue light or siren;
- 652.5(e), failure of cable ferry operator to provide clear course for law enforcement;
- 655(a), reckless or negligent operation by riding on bow or transom of vessel propelled by machinery;
- 655.2(a), power boats—speed restrictions;
- 658(a), operation of vessels towing persons on water skis or aquaplanes—requirement for person 12 years of age or older to be aboard in addition to driver;
- 658(b), prohibited hours;
- 668, fines for violation of Harbors and Navigation Code sections and related Cal. Code of Reg., title 14.

### **Modification of Fish and Game Code sections:**

- 4004(a, b, d–g), trapping violations;
- 4004(c), setting or maintaining trap without required identifying mark.





# Additional Resources

Judicial Council reports:

<http://www.courts.ca.gov/jcmeetings.htm>

Judicial Council Bail Schedules:

<http://www.courts.ca.gov/7532.htm>

## Contacts

Any questions about bail schedules may be directed to:

- Courtney Tucker
  - Phone: (415) 865-7611
  - Email: [courtney.tucker@jud.ca.gov](mailto:courtney.tucker@jud.ca.gov)



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The background of the slide features a large, faint, circular seal of the Judicial Council of California. The seal contains the text "JUDICIAL COUNCIL OF CALIFORNIA" around the top and "1926" at the bottom. In the center is a shield with various symbols: a grizzly bear at the bottom, a ship on the left, a plow in the middle, and a figure holding a torch on the right. Above the shield is a banner with the word "EUREKA".

# Questions?

# Court Revenue Distribution Training

## May 2015




**Controller Betty T. Yee**  
California State Controller's Office

# Overview of SCO Guidance

- What is Appendix C?
- New Features - Priority of Installments Payments
- Improving Guidance through Feedback
- Codes Added or Amended by legislation
- Update Notifications



# SCO Trial Courts Website

**Controller Betty T. Yee**  
California State Controller's Office

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**▼ STATE GOVERNMENT**

State / Local Government

eFITS

Reporting

MIRS

MyCalPAYS

Payroll Procedures Manual

Statewide Training

CLAS Training

MyCalPAYS Training

Payroll Deduction Information

**▼ LOCAL GOVERNMENT**

State / Local Government

Agile Payment System

Local Government Apportionments

Local Government Reimbursements

Local Government Reporting

Local Government Policies Section

Home → [State and Local](#) → [Local Government Information & Resources](#) → Trial Court Revenue Distribution Guidelines

**Trial Court Revenue Distribution Guidelines**

**Trial Court Revenue Distribution Guidelines - Appendix C**

→ [Revision #25 Appendix C - Distribution Tables - Legislation effective January 1, 2015 - DRAFT](#)

→ [Appendix C Survey](#)

**Past Revisions**

→ [Revision #24 Appendix C - Distribution Tables - Legislation effective March 1, 2014](#)

→ [Revision #23 Appendix C - Distribution Tables - Legislation effective January 1, 2013](#)

→ [Revision #22 Appendix C - Distribution Tables - June 2010](#)

**Revenue Distribution Training Program**

→ [Press Release](#)

**Training Materials**

→ December 2014 Training

→ [PowerPoint Slides](#)

→ July 2014 Training

→ [Plenary Session PowerPoint Slides](#)

→ [Distribution Calculations Session PowerPoint Slides](#)

→ March 2013 Training

→ [Plenary Session PowerPoint Slides](#)

→ [Parking Breakout Session PowerPoint Slides](#)

→ [Basic Breakout Session PowerPoint Slides](#)

→ [Specialized Breakout Session PowerPoint Slides](#)

**Frequently Asked Questions**

→ [Revenue Distribution FAQ's](#)

[http://www.sco.ca.gov/ard\\_trialcourt\\_manual\\_guidelines.html](http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html)



# What is Appendix C?

## Trial Court Revenue Distribution Guidelines Appendix C



*California State Controller's Office*

Revision 25

Updated as of January 1, 2015

In compliance with  
California Code,

**Appendix C** provides  
guidance on the  
distribution of fees,  
fines, forfeitures,  
penalties, and  
assessments resulting  
from criminal and civil  
violations.



**Controller Betty T. Yee**  
California State Controller's Office



# New Features— Priority of Installment Payments

Specify priority of distributions on payments are made on an installment basis.

New Features:

- Dedicated page
- Priority column

You can quickly find the priority of distribution based on the code violation.

Priority of Installment Payments		
PC 1203.1d provides for a mandatory prioritization in the distribution of criminal and traffic court-ordered debt installment payments, as follows:		
<ol style="list-style-type: none"> <li>1) Restitution orders to victims (PC section 1202.4(f)).</li> <li>2) 20% State Surcharge (PC section 1465.7).</li> <li>3) Any fines, penalty assessments, and restitution fines (PC section 1202.4 (b)). Payment of each of these items shall be made on a proportional basis to the total amount levied for all of these items.</li> <li>4) Other reimbursable costs.</li> </ol>		
The code sections within the tables are marked with their distribution priority as indicated in the far right column of each applicable table.		
The following table provides a high level summary of the <i>priority of installment payments</i> pertaining to the code sections on each table from page C-12 to C-109:		
TABLES	EXPLANATION FOR PRIORITY	PAGE
Table 1 - General Distribution of Fines and Forfeitures Under PC 1463.001	Priority 1 - Not applicable. Priority 2 - Not applicable. Priority 3 - Yes, the table includes the code section for general distribution of base fines and forfeitures. Priority 4 - Not applicable. The table includes forfeited bail bond forfeitures which are not paid in installments by the defendant. Forfeited bail bond forfeitures are not applicable to the priority of installment payments.	C-12
Table 2 - Special Distributions of Fines and Forfeitures Preceding PC 1463.001 Distribution	Priority 1 - Not applicable. Priority 2 - Not applicable. Priority 3 - Yes, the table includes codes sections for fines and penalty assessments. Priority 4 - Not applicable. The table includes code sections that are not paid in installments by the defendant, these codes sections are marked as N/A because they are not applicable to the priority of installment payments.	C-14

Table #5 - 2  
Restitution Distributions

CODE SECTION	VIOLATION/SITUATION	DISTRIBUTION	APPLICABLE FUND	FUND USE/SPECIAL PROVISION	PRIORITY OF INSTALLMENT PAYMENTS
PC 93 — Restitution Fine; Bribes by Judicial Officers or Jurors	Restitution fine from a judicial officer or juror convicted of bribery. If no bribe was actually received, a fine of not less than \$2,000 or more than \$10,000. If a bribe was received, at least the amount of the bribe or \$2,000, whichever is greater, or a larger amount of not more than double the bribe or \$10,000, whichever is greater.	See PC 1202.4.	See PC 1202.4.	See PC 1202.4.	3
PC 294 (a) & (b) — Restitution Fine; Sexual Offenses	(a) PC 273a, 273d, 288.5, 311.2, 311.3, 647.6.	100% of fines to the State Restitution Fund (for transfer to the County Children's Trust Fund).	County Children's Trust Fund.	Child abuse prevention.	3
	(b) PC 261, 264.1, 285, 286, 288a, 289.				
PC 422.1 — Restitution; Terrorist Threats	Convicted of violation of PC 148.1 or 11418.1, making a false terrorist threat as specified.	Any person, business, or government agency for costs related to the terrorist threat.	Not specified or not applicable.	To recover the costs of responding to the terrorist threat.	1
PC 484.1 — Pawnbrokers and Secondhand Dealers; Restitution	Person knowingly gives false information or provides false verification of the true identity or ownership interest of property sold to a pawnbroker or secondhand dealer.	Restitution to the pawnbroker or secondhand dealer to cover losses.	N/A	To recover losses under PC 1202.4.	1
PC 600.5 — Restitution; Injury or Death of a Guide, Signal, or Service Dog	Person who intentionally causes injury or death of any guide, signal, or service dog as defined by CC 54.1.	Restitution to the disabled person who has custody or ownership of the dog for any veterinary bills and replacement cost of the dog if it is disabled or killed.	N/A	To recover veterinary bills and replacement costs for disabled or dead guide dogs.	1
PC 1001.90 — Diversion Restitution Fee	In all felony and misdemeanor cases that are diverted, not less than \$100 or more than \$1,000.	100% to the State.	State Restitution Fund.	To provide assistance to victims of crime.	4



# Improving Guidance through Feedback

## Completed

- ✓ Priority of Installment Payments
- ✓ Email Notification Service - Listserv
- ✓ Urgency Legislation

## Under Review

- Fifty Percent Over Excess Calculation
- Discretionary vs Mandatory Legislation



# Updates to Legislation

The codes below have been added or amended in Appendix C, Revision 25:

Year Chaptered	Added / Amended	Code Section	Description
2014	Added	B&P 7502.2	Repossessors Fine, Misdemeanor
2014	Added	CC 1670.8	Civil Penalty; Unlawful Contract
2014	Amended	GC 26721.2(a)	Sheriff's fees for serving a summons for any action commencing in superior court
2014	Added	GC 26721.2(b)	Sheriff's fees for canceling a summons prior to its completion
2014	Added	GC 26721.2(c)	Sheriff's fees for making a not-found return on a summons
2014	Amended	GC 26750	Sheriff's fees for serving an earnings withholding order
<b>2014</b>	<b>Added</b>	<b>GC 70663</b>	<b>Conservatorship Registration Fee</b>
2014	Added	H&S 25299.80.5	Underground Storage Tanks; Fine
2014	Amended	H&S 25515.5(a)	Criminal Penalties Relating to Hazardous Waste Violations
2014	Amended	H&S 25515.5(b)	Civil Penalties Relating to Hazardous Waste Violations
2014	Amended	PC 266k	Additional penalty for sexual exploitation crimes
2014	Amended	PC 2085.5	Restitution Fine; Deduction From Prisoner Wages
2014	Added	PC 2085.6	Restitution Fine; Released Prisoner
<b>2014</b>	<b>Added</b>	<b>PRC 42285</b>	<b>Civil Penalties Relating to Single-Use Carryout Bags</b>
2014	Added	WC 10732	Civil Penalties Relating to Excess Groundwater Extraction
<b>2014</b>	<b>Added</b>	<b>W&amp;I 258(b)</b>	<b>Truancy Fine; Minors</b>
2014	Amended	W&I 730.6(b)(1)	Required Restitution Fine for Juveniles

List is not all-inclusive

*\*As of January 1, 2015*



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# Update Notifications

**To receive automatic notification of updates to the Trial Courts Revenue Distribution Guidelines, please visit our website at:**

- [http://www.sco.ca.gov/ard\\_trialcourt\\_manual\\_guidelines.html](http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html)

Frequently Asked Questions

→ [Revenue Distribution FAQ's](#)

Judicial Council Distribution Worksheets

→ [Revenue Distribution Worksheets](#)


Additional Resources

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→ [Revenue Distribution Training Program Recordings](#)

→ [DNA Penalty Assessment \(Proposition 69\) Distribution Guidelines - December 2004](#)

→ [Court Surcharge Distribution Guidelines - \(AB 3000\) - March 2003](#)

Email List 

To receive notification of updates to the *Trial Court Revenue Distribution Guidelines* webpage, please visit the [Trial Court Revenue Distribution email subscription webpage](#).

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# Trial Court Revenue Distribution Frequently Asked Questions



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# FAQ Categories

[www.sco.ca.gov/Files-ARD-Local/trial\\_court\\_revenue\\_distribution\\_faqs.pdf](http://www.sco.ca.gov/Files-ARD-Local/trial_court_revenue_distribution_faqs.pdf)

- 
1. General Questions
  2. Appendix C
  3. Statutes
  4. Parking
  5. Collections
  6. Distribution Calculations
  7. Distribution Spreadsheets
  8. Audit
  9. Operations
  10. Judicial Action
  11. Training



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# FAQ Revisions

- Collaborative process (SCO/JC)
- Table of Contents
- 11 Categories (Remember to cross reference as some may overlap).
  - New Entries Include but are not limited to the following:
    - Bond Indebtedness
    - Record Retention
    - Mandatory Impositions
    - Judicial Assessment v. Penalty Assessment
    - BOS resolutions



# FAQ Revisions

- UB&PS v Statutory Code
- Responses may change with legislation or policy
- New Questions or Updated Responses are bolded with “As of date”

• Link to the FAQ's

• [http://www.sco.ca.gov/ard\\_trialcourt\\_manual\\_guidelines.html](http://www.sco.ca.gov/ard_trialcourt_manual_guidelines.html)

• Clarifications/New questions: [RevenueDistribution@jud.ca.gov](mailto:RevenueDistribution@jud.ca.gov)



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# FAQs: Next Steps

- Merging FAQ Docs
- Review questions received during training sessions
- Develop plan for add'l FAQs



# Crosswalk: New Resource

- Sectional crosswalk tying Appendix C to other resources
- Minimizes Research Time
  - FAQ's
  - UB&PS
  - Distribution Template



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CROSSWALK BETWEEN APPENDIX C, THE UNIFORM BAIL & PENALTY SCHEDULE, FAQ's, AND DISTRIBUTION WORKSHEETS

Table 2 - Special Distribution: of Fines and Forfeitures Preceding PC 1463.001

APPENDIX C Rev 25 v 1-1-2015				FAQ	Uniform Bail & Penalty Schedule v 1-1-2015		Spreadsheet Template	
Index	Code Section	Code Description	Violation		Description	Pg.	Template	Comment
2.1	1	PC 1305.3	Forfeited bail cost recovery	Costs prior to PC 1463.001 Distribution	C-5, E-6	Not listed; this is just a cost recovery item		Not applicable
2.1	2	PC 1463.9	Litter Fines	H&S 13002		not listed		Use Template 6 - fine is the same as the VC cites below - not less than \$100 nor more than \$1,000
				PC 374.3		not listed		Use Template 6 - but fine is different (min \$250 max \$1000 on first conviction and check for commercial quantity as fine increases and see probation terms)
				VC 23111		Throwing Lighted Substance on Highway Prohibited	30	Use Template 6 - Red Light Bail Forfeiture
				VC 23112		Dumping Material on Highway/Right-of-Way Prohibited	30	Use Template 6 - Red Light Bail Forfeiture
				VC 23113(a)		Failure to Remove Material From Highway	30	Use Template 6 - Red Light Bail Forfeiture
2.1	3	PC 1463.11	Red Light Violations	VC 21453(a)		"Red" Signal-Vehicular Responsibilities	19	Template 6 - Red Light Bail Forfeiture
				VC 21453(c)		"Red" Signal-Vehicular Responsibilities	19	Template 6 - Red Light Bail Forfeiture
				VC 21454(c)		Lane Use - Red Control Signal	19	Template 6 - Red Light Bail Forfeiture
				VC 21457(a)		Actions Required at Flashing Red Signal	19	Template 6 - Red Light Bail Forfeiture
2.1	4	PC 1463.12	Railroad Crossing	VC 22451		Failure to Stop for Train Signals/Closed Gates	28	Template 4 - Railroad Bail Forfeiture
				VC 22452		Failure of Certain Vehicles to Stop at Railroad Crossing	28	Template 4 - Railroad Bail Forfeiture
				VC 22526(c)		Blocking Railroad or Rail Transit Crossing (Notice to Appear)	30	Template 4 - Railroad Bail Forfeiture
				When involving railroad grade crossings:				
				VC 21752(c)		Driving Left of Center - Within 100 feet or When Transversing Railroad Grade Crossing - Prohibited	22	Template 4 - Railroad Bail Forfeiture
				VC 22450(b)		Failure to Stop at Stop Sign at Railroad Grade Crossing	28	Template 4 - Railroad Bail Forfeiture
2.2	5	PC 1463.14(a)	Lab Fines for Convictions of Driving Under the Influence or Reckless Driving					
				DUI Under:				
				VC 23152		DUI, various	91-92	Template 1 and 2 - DUI
				VC 23153		DUI, causing injury	92	Template 1 and 2 - DUI
				Reckless Driving Under:				
				VC 23103		Reckless driving	91	Template 3 - Reckless Driving
				VC 23104		Reckless driving, bodily injury	91	Template 3 - Reckless Driving
				VC 23105		Reckless driving, specific injury	91	Template 3 - Reckless Driving
2.2	6	PC 1463.15	Vehicle Inspection and Sobriety Checkpoint			not listed		Not required. Fixed \$35 to County out of section 1463.001 deposit collected from each fine and forfeiture

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**CROSSWALK BETWEEN APPENDIX C, THE UNIFORM BAIL & PENALTY SCHEDULE, FAQ's, AND DISTRIBUTION WORKSHEETS**

**Table 5 - Restitution Distribution**

APPENDIX C Rev 25 v 1-1-2013				FAQ	Uniform Bail & Penalty Schedule v 1-1-2013		Spreadsheet Template	
Index	Code Section	Code Description	Violation		Description	Pg.	Template	Comment
5.1	1	ELEC 18547	Voter Intimidation Restitution		Not listed			Not applicable
5.1	2	GC 50050	Enactment of Victim Restitution		Not listed			
5.1	3	PC 68	Restitution Fine, Bribes by Public Officer or Employees		Not listed			Not applicable
5.1	4	PC 86	Restitution fine, Bribes by Members of the Legislature		Not listed			Not applicable
5.2	5	PC 93	Restitution Fine, Bribes by Judicial Officers or Jurors		Not listed			Not applicable
5.2	6	PC 294 (a) & (b)	Restitution Fine, Sexual Offenses		Not listed			Not applicable
			(a) PC 273a		Not listed			Not applicable
			(a) PC 273d		Not listed			Not applicable
			(a) 288.5		Not listed			Not applicable
			(a) 311.2		Not listed			Not applicable
			(a) 311.3		Not listed			Not applicable
			(a) 647.6		Not listed			Not applicable
			(b) PC 261		Not listed			Not applicable
			(b) PC 264.1		Not listed			Not applicable
			(b) 285		Not listed			Not applicable
			(b) 286		Not listed			Not applicable
			(b) 288a		Not listed			Not applicable
			(a) 289		Not listed			Not applicable
5.2	7	PC 422.1	Restitution; Terrorist Threats		Not listed			Not applicable
			PC 148.1		Not listed			Not applicable
			PC 11418.1		Not listed			Not applicable
5.2	8	PC 484.1	Pawnbrokers and Secondhand Dealers; Restitution		Not listed			Not applicable
5.2	9	PC 600.5	Restitution; Injury or Death of a Guide, Signal, or Service Dog		Not listed			Not applicable
5.2	10	PC 1001.90	Diversion Restitution Fee		Not listed			Not applicable

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# Questions?

# Court Revenue Distribution Training



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# Common Audit Findings

- Issues regarding:
  - Traffic Violator School (TVS) Fees
  - 30% Distribution on Red Light/ Railroad Violations
  - Parking Violation Penalties





# SCO Court Revenue Audits



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- Local Government Reporting

[http://www.sco.ca.gov/aud\\_court\\_revenues.html](http://www.sco.ca.gov/aud_court_revenues.html)



# Distribution of TVS Fees

## **Incorrect distribution of Traffic Violator School (TVS) fees**

- When the defendant goes to traffic school, the total bail is converted to a TVS fee. (VC 42007)
- Certain amounts are imposed in addition to the TVS fee but are incorrectly included as part of the TVS fee, such as:
  - 20% State Surcharge (PC 1465.7)
  - Court Security Fee (PC 1465.8)
  - Criminal Conviction Assessment (GC 70373)
  - Additional TVS Fee (VC 42007.1)



# 30% Distribution from Red Light/Railroad Violations

**30% distribution from red light/railroad violations is applied to the wrong penalties**

- After deducting the 2% Automation, 30% of the following is disbursed to the county or city, pursuant to PC 1463.11 or PC 1463.12:
  - Base fine (PC 1463.001/PC 1463.002)
  - State Penalty (PC 1464)
  - Local Penalty (GC 76000)
  - State Court Facilities Fund (GC 70372)
  - EMAT Penalty (GC 76000.10)
- EMS Penalty and the DNA Penalties are excluded from the 30% at PC 1463.11 (Red Light).



# Distribution of Parking Violation Penalties

## **Surcharge is not distributed as required on parking violations**

- For each parking offense where a parking penalty, fine, or forfeiture is imposed, the following penalties shall be imposed in addition to the amount set by the city, district, other issuing agency or statute:
  - \$4.50 for Court Construction Penalty (GC 70372)
  - \$3.00 for Trial Court Trust Fund (76000.3)
- 50% of the Equipment Violation Penalty (VC 40225) is not being properly remitted to the State.



# Audit and Distribution Issues

Audit Services of the Judicial Council performs:

- Regular cycle audits of the superior courts with a focus of what the CMS calculations are programmed to do now and the recent past.
- This testing focuses on testing complex distributions and other select distributions that have been found to be recent issues.
- Consultative advice on distribution issues.



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# Audit and Distribution Issues

Systemic or other issues found on recent audits or questions posed:

- Domestic violence fee effective 1-1-2014 went from \$400 to \$500. (PC 1203.097); Court required to provide a statement of reason on the record if it exercises discretion to reduce or waive the fee.
- Red light traffic school case – distributed the collections as a PC 1463.11 red light bail forfeiture instead of as a VC 42007.3 Red light traffic school.
- Fines are punitive and would be from the date of **violation** due to Ex Post Facto prohibitions, which means that the court cannot impose a more punitive fine (possibly at conviction date) than what existed at the time of the violation. This includes the State Restitution Fine per case law.
- Restitution fine is not subject to penalty assessments - PC1202.4(e) and see FAQ C 61.



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# Audit and Distribution Issues

- PC 1205.3 - when probation is granted for an offense, fines including restitution fines can be converted to community service but fees cannot be converted.
- Where a defendant may have multiple cases filed against him/her and the judicial officer decides to hear these cases concurrently because the violations were filed separately, the base fines should not be added before calculating the penalties.  
FAQ F 3
- GC 76000.3 additional \$3 penalty on parking offenses (1-1-11)—determine whether the \$3 is already part of the distribution – if not, it comes out of the total collected as the State receives \$7.50. Some prior examples were prior to 1-1-11.



# Audit and Distribution Issues

- 2% State Automation calculation and distribution
  - VC 42007 converts the fines and penalties to a traffic violator school fee and the 2% is incorrectly calculated and distributed from the fines and penalties for traffic school cases, **except for child seat traffic school cases.**
  - Assessed on all fines, penalties, and forfeitures **NOT ON FEES**
- State DNA penalty GC 76104.7
  - Assessment of \$3 for every \$10 of the enhanced base fine in all criminal cases (including VC or any local ordinance adopted pursuant to the VC) was made but it increased to \$4 effective June 27, 2012



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# Panel of Experts

Frequently Asked Questions

# Questions and Answers

- All questions submitted to be discussed
- Responses to be discussed between SCO and JC
- FAQ's to be updated







# **Discussion on CMS Transition Challenges Related to Revenue Distribution**



# Instruction Goals and Expectations

## Covered the Following:

- Provided updates to revenue distribution resources.
- Identified sources of resource materials for distribution calculation, analysis, and research.
- Panel of experts reviewed and discussed frequently asked distribution questions.

## Will Cover Next:

- Distribution worksheets: Walked-through and explained calculations of distribution examples for select case types using worksheet tools and explained how to build a worksheet.



# Other Items

- Online survey
- Training certificates
- Next Distribution Training -
  - ✓ Fall 2015
  - ✓ Webinar
  - ✓ New 2015 statutes affecting distributions



# **Lunch Break**

12:00pm – 1:00pm

# **Breakout Sessions**

1:00pm – 3:00pm